

Message Text

CONFIDENTIAL

PAGE 01 NEW DE 10073 01 OF 02 151432Z
ACTION NEA-10

INFO OCT-01 ISO-00 EB-07 COME-00 TRSE-00 AID-05 IGA-02
NEAE-00 JUSE-00 SEC-01 L-03 PM-04 NSC-05 SP-02
SS-15 PRS-01 CIAE-00 INR-07 NSAE-00 DODE-00 /063 W
-----068461 151447Z /43

P 151258Z JUL 77
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC PRIORITY 4746

C O N F I D E N T I A L SECTION 1 OF 2 NEW DELHI 10073

FOR KUX, NEA/INS FROM SCHNEIDER

EO 11652: GDS
TAGS: EAID ETRD US IN
SUBJ: GOI INTEREST IN OBTAINING INFORMATION RELEVANT
TO BOEING INVESTIGATION

1. THERE FOLLOWS THE GOI TEXT OF A PROPOSED JUDICIAL
INFORMATION EXCHANGE AGREEMENT BETWEEN THE INDIAN
HOME MINISTRY AND THE UNITED STATES DEPARTMENT OF
JUSTICE.

2. QUOTE:

"THE GOVERNMENT OF INDIA REPRESENTED BY THE MINISTRY
OF HOME AFFAIRS AND THE GOVERNMENT OF THE UNITED STATES
OF AMERICA REPRESENTED BY THE DEPARTMENT OF JUSTICE
HEREIN - AFTER REFERRED TO AS THE 'PARTIES', AGREE TO
RENDER, SUBJECT TO THE FOLLOWING PROCEDURES, MUTUAL
ASSISTANCE TO AGENCIES WITH LAW ENFORCEMENT RESPONSIBILITIES
IN THEIR RESPECTIVE COUNTRIES WITH RESPECT TO
ALLEGED ILLICIT ACTS PERTAINING TO THE SALES ACTIVITIES
IN INDIA OF THE BOEING COMPANY.

"1. UNLESS OTHERWISE AGREED ALL REQUESTS FOR
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PAGE 02 NEW DE 10073 01 OF 02 151432Z

ASSISTANCE SHALL BE COMMUNICATED BETWEEN THE PARTIES
THROUGH THE DIPLOMATIC CHANNEL.

"2. UPON REQUEST, THE PARTIES SHALL USE THEIR
BEST EFFORTS TO MAKE AVAILABLE TO EACH OTHER RELEVANT
AND MATERIAL INFORMATION, SUCH AS STATEMENTS, DEPOSITIONS,
DOCUMENTS, BUSINESS RECORDS, CORRESPONDENCE OR

OTHR MATERIALS, AVAILABLE TO THEM CONCERNING ALLEGED
ILLICIT ACTS PERTAINING TO THE SALES ACTIVITIES IN
INDIA OF THE BOEING COMPANY.

"3. SUCH INFORMATION SHALL BE USED EXCLUSIVELY
FOR PURPOSES OF INVESTIGATION CONDUCTED BY AGENCIES
WITH LAW ENFORCEMENT RESPONSIBILITIES AND IN ENSUING
LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE.

"4. EXCEPT AS PROVIDED IN PARAGRAPH 5, ALL SUCH
INFORMATION MADE AVAILABLE BY THE PARTIES PURSUANT
TO THESE PROCEDURES, AND ALL CORRESPONDENCE BETWEEN THE
PARTIES RELATING TO SUCH INFORMATION AND TO THE IMPL-
MENTATION OF THESE PROCEDURES, SHALL BE KEPT CONFIDEN-
TIAL AND SHALL NOT BE DISCLOSED TO THIRD PARTIES OR TO
GOVERNMENT AGENCIES HAVING NO LAW ENFORCEMENT RESPON-
SIBILITIES. DISCLOSURE TO OTHER AGENCIES HAVING LAW
ENFORCEMENT RESPONSIBILITIES SHALL BE CONDITIONED
ON THE RECIPIENT AGENCY'S ACCEPTANCE OF THE TERMS SET
FORTH HEREIN.

"IN THE EVENT OF BREACH OF CONFIDENTIALITY,
THE OTHR PARTY MAY DISCONTINUE COOPERATION UNDER
THESE PROCEDURES.

"5. INFORMATION MADE AVAILABLE PURSUANT TO THESE
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PAGE 03 NEW DE 10073 01 OF 02 151432Z

PROCEDURES MAY BE USED IN ENSUING LEGAL PROCEEDINGS,
CRIMINAL, CIVIL AND ADMINISTRATIVE, IN THE REQUESTING
STATE IN WHICH AN AGENCY OF THE REQUESTING STATE HAVING
LAW ENDORCEMENT RESPONSIBILITIES IS A PARTY AND THE
PARTIES SHALL USE THEIR BEST EFFORTS TO FURNISH THE
INFORMATION FOR PURPOSES OF SUCH LEGAL PROCEEDINGS IN
SUCH FORM AS TO RENDER IT ADMISSIBLE PURSUANT TO THE
RULES OF EVIDENCE IN EXISTENCE IN THE REQUESTING STATE,
INCLUDING, BUT NOT LIMITED TO, CERTIFICATIONS,
AUTHENTICATIONS, AND SUCH OTHER ASSISTANCE AS MAY BE
NECESSARY TO PROVIDE THE FOUNDATIN FOR THE ADMISSIBILITY
OF EVIDENCE.

"6. THE PARTIES SHALL GIVE ADVANCE NOTICE WHERE
PRACTICABLE, PRIOR TO THE INSTITUTION OF LEGAL PRO-
CEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, IN WHICH
INFORMATION MADE AVAILABLE PURSUANT TO THESE PRO-
CEDURES IS INTENDED TO BE USED; SO HOWEVER THAT NOTICE
THEREOF MAY BE GIVEN FORTHWITH, AFTER THE INSTITUTION
OF SUCH PROCEEDINGS.

"7. UPON REQUEST, THE REQUESTED PARTY SHALL RENDER

ASSISTANCE TO THE LAW ENFORCEMENT AGENCIES OF THE REQUESTING STATE SUCH AS LOCATING WITNEESES, INTERVIEWING OF WITNESSES, TAKING OF TESTIMONY OR STATEMENTS OR THE PRODUCTION OF DOCUMENTS OR OTHER MATERIALS. REPRESENTATIVES OF THE REQUESTING STATE MAY PARTICIPATE IN THE EXECUTION OF THE REQUEST IF THE COMPETENT AUTHORITY OF THE REQUESTED STATE CONSENTS. THE PARTIES SHALL USE THEIR BEST EFFORTS TO ASSIST IN THE EXPEDITIOUS EXECUTION OF LETTERS OF REQUEST OR COMMISSION ISSUED BY THE JUDICIAL AUTHORITIES OF THEIR RESPECTIVE COUNTRIES IN CONNECTION WITH LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, WHICH MAY ENSURE IN THEIR RESPECTIVE COUNTRIES.

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PAGE 01 NEW DE 10073 02 OF 02 151424Z
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SS-15 PRS-01 CIAE-00 INR-07 NSAE-00 DODE-00 /063 W
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TO SECSTATE WASHDC PRIORITY 4747

C O N F I D E N T I A L SECTION 2 OF 2 NEW DELHI 10073

FOR KUX, NEA/INS FROM SCHNEIDER

"8. THE ASSISTANCE TO BE RENDERED TO A REQUESTING STATE SHALL NOT BE REQUIRED TO EXTEND TO SUCH ACTS BY THE AUTHORITIES OF THE REQUESTED STATE AS MIGHT RESULT IN THE IMMUNIZATION OF ANY PERSON FROM PROSECUTION IN THE REQUESTED STATE.

"9. ALL ACTIONS TO BE TAKEN BY A REQUESTED STATE WILL BE PERFORMED SUBJECT TO ALL LIMITATIONS IMPOSED BY ITS DOMESTIC LAW. EXECUTION OF A REQUEST FOR ASSISTANCE MAY BE POSTPONED OR DENIED OR MADE SUBJECT TO SPECIAL CONDITIONS IF EXECUTION WOULD INTERFERE WITH ON-GOING INVESTIGATIONS OR LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, IN THE REQUESTED STATE.

"10. NOTHING CONTAINED HEREIN SHALL LIMIT THE RIGHTS OF THE PARTIES TO UTILIZE FOR ANY PURPOSE

INFORMATION WHICH IS OBTAINED BY THE PARTIES INDEPENDENT
OF THESE PROCEDURES.

"11. THE MUTUAL ASSISTANCE TO BE RENDERED BY
THE PARTIS PURSUANT TO THESE PROCEDURES IS DESIGNED
SOLELY FOR THE BENEFIT OF THEIR RESPECTIVE AGENCIES
HAVING LAW ENFORCEMENT RESPONSIBILITIES AND IS NOT
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PAGE 02 NEW DE 10073 02 OF 02 151424Z

INTENDED OR DESIIGNED TO BENEFIT THIRD PARTIES, OR TO
AFFECT THE ADMISSIBILITY OF EVIDENCE UNDER THE LAWS
OF EITHER INDIA OR THE UNITED STATES OF AMERICA.

"12. THESE PROCEDURES SHALL NOT AFFECT ANY OTHER
CONVENTIONS, AGREEMENTS OR ARRANGEMENTS IN FORCE
BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT
OF THE UNITED STATES OF AMERICA REGARDING RECIPROCAL
ASSISTANCE.

"13. THIS AGREEMENT SHALL ENTER INTO FORCE ON
THE DATE OF SIGNATURE BY BOTH PARTIES.

"DONE AT.....THISDAY OF
....., 1977

(BLAND FOR SIGNATURE) (BLANK FOR SIGNATURE)

"FOR THE GOVERNMENT OF INDIA. "FOR THE GOVERNMENT OF
UNITED STATES OF AMERICA."

END QUOTE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Copy: SINGLE
Sent Date: 15-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
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